IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.9198 of 2003

Between:

Kothakonda Yashoda, W/o. Laxmaih,

Occupation: Housewife, R/o.11-18-359,

Kotilingala Temple Road, Laxmipuram,

Kasibugga, Warangal.

..... PETITIONER

AND

1 The Commissioner,

Warangal Municiapal Corporation,

Warangal.
2 The Deputy Commissioner,

Warangal Municipal Corporation,

Warangal.
3 The Deputy City Planner,

Warangal Municipal Corporation,

Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus, declaring the action of the respondents in issuing impugned order vide its Notice U/Sec.452(1) of A.P.M.L.Act, dt 8-5-2003 is a illegal , arbitrary and

violation of Section 452 of the Municipalities Corporation Act 1955 and consequently direct the respondents not to demolish the house of the petitioner with its House No. 11-18-359 Kotilingala Temple Road, Laxmipuram, Kasibugga, Warangal.

Counsel for the Petitioner: MR.J.RAMACHANDRA RAO

Counsel for the Respondent Nos.1 to 3: MR.K.VENUGOPAL REDDY, Standing Counsel for Municipal Corporation

The Court made the following:

ORDER:

The writ petition is filed seeking declaration that the Notice dated 8.5.2003 issued by the 1st respondent as illegal, arbitrary and a consequential direction to the respondents not to demolish the house of the petitioner. Though the interlocutory applications are listed today, with the consent of the learned Counsel for the parties, the matter is heard finally for disposal.

The petitioner herein assails a notice issued by the first respondent under Sub-section (1) of Section 452 of the Hyderabad Municipal Corporation Act, 1955 (for brevity 'the Act') as made applicable to Warangal Municipal Corporation. By impugned notice, the petitioner was called upon to remove the unauthorized construction of the building, which the petitioner alleged commenced without obtaining permission. Though the impugned notice directs the petitioner to remove the unauthorized construction within 24 hours and though the same cannot be appreciated having regard to Section 452 (1) of the Act, which requires a notice of seven days to be given. This Court is not inclined to interfere at this stage. The petitioner may file objections to the impugned notice within a period of one week from the date of receipt of a copy of this order. As and when such explanation is submitted, it shall be open to the first respondent to consider the representation and pass appropriate final orders under Sub-section (2) of Section 452 of the Act. Till this exercise is completed, the petitioner as well as the first respondent shall maintain *status quo* and the petitioner shall not undertake any further construction.

The writ petition, with the above observations and directions, is disposed of.

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Date: September 7, 2004. (**V.V.S. RAO, J**)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner,

Warangal Municiapal Corporation,

Warangal.

2 The Deputy Commissioner,

Warangal Municipal Corporation,

Warangal.

3 The Deputy City Planner,

Warangal Municipal Corporation,

Warangal.

4 Two C.D. Copies.